

REMARKS

Claims 1-23 are pending in this application. Claims 1, 11, 18, and 21 are independent.

**Drawings**

The drawings have been objected to under 37 CFR 1.83(a) as not showing every feature of the claimed invention, and because Figures 1-5 should be designated as --Prior Art--.

Proposed Figure 6 has been added to show the claimed steps/functions of the present invention. Applicants respectfully request approval of the proposed drawing.

Applicants submit that Figures 1-5 are not statutory prior art and should not be labeled as such. In other words, the subject matter shown in each of Figures 1-5 was not obtained from a prior art reference that could be applied under provisions of 35 U.S.C. 102(b).

**Claim Rejection - 35 USC 101**

Claims 1-10 have been rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. Applicants have amended the claims to overcome this rejection. Accordingly, Applicants respectfully request that the rejection be withdrawn.

**Claim Rejection - 35 USC 112**

Claims 1-17 have been rejected under 35 U.S.C. 112, second paragraph, as being indefinite. Applicants have amended the claims to overcome this rejection. Accordingly, Applicants respectfully request that the rejection be withdrawn.

**Claim Rejection - 35 U.S.C. 102**

Claims 1, 3, 4, 6, 8, 9, 11, 15, and 16 have been rejected under 35 U.S.C. 102(b) as being anticipated by Doner et al. (U.S. Patent 5,598,557, hereinafter Doner). Applicants respectfully traverse this rejection.

**Summary of the Present Invention**

The present invention is directed to an e-commerce system that uses a product database and an automated keyword tagging system to determine products that are most relevant to the content of a given Web page. When a Web page is being prepared for publishing, it is tagged with one or more preselected keywords either manually or using an automated tagging process. The keywords are submitted to the product database which selects one or more products for display on the Web page. Products are displayed either as text entries, thumbnails, etc., which contain a link to a product display Web page.

Product selections are made using the product keyword table to create a database match. Product selection can be done statically by embedding the product as part of the Web page, or can be performed by

the server dynamically, based on the currently updated product database.

Keywords associated with the content of a Web page include metatagged keywords. Metatagged keywords are indicative of the topic for a given content. Metatagged keywords are determined by comparison of a predetermined list of keywords to the text of the given content. Keywords are also generated by automatic or manual statistical and empirical analysis of the body contents. Empirical analysis can include word frequency analysis, stopword removal and manual selection.

In order to provide a list of products which are highly relevant to the interests of the reader of the text, the content of a Web site is first scanned to determine its metatagged keywords, one of which is determined as a "hook", the primary subject matter of the content (see Figure 6). Using the "hook" in a search, a list of matching products is produced. Metatagged keywords are determined for the list of products based on product descriptions. Metatagged keywords for the content are matched to metatagged keywords for the products to provide a list of highly relevant products of interest to readers of the text.

Matching can be undertaken via statistical matching techniques or by Boolean ANDed queries.

### **Doner**

Doner is directed to a method of searching and retrieving files in a database without a user being required to provide keywords or query terms. Instead, a user specifies a reference document, and based on subject words of the reference document, the system of Doner determines weighted relevance of documents in a database. Similar and related documents are retrieved from the database.

In particular, based on the subject words of the reference document, the weighted relevance of the documents in the database is determined (column 8, lines 13-16). For weighted keyword and Boolean searches, a statistical measure of similarity is determined (i.e., column 7, lines 15-58). Documents which are relevant to each of the three most common subject words are retrieved, prioritized, and displayed.

### **Differences between Doner and the Claimed Invention**

The Office Action alleges that Doner's discussion of Figures 6 and 7 teach the claimed invention of claims 1, 3, 6, 9, 11, 15, and 16. The Office Action is not specific as to what in Doner constitutes "products available for purchase." However, for the sake of argument, it is presumed that the list of products is allegedly taught by Doner's relevant documents which are retrieved, ranked, and displayed according to weighted relevance. The claimed "document" thus being taught by Doner's reference document.

Anticipation is established only when a single prior art reference discloses, expressly or under the principles of inherency, each and every element of a claimed invention as well as disclosing structure which is capable of performing the recited functional limitations. RCA Corp. v. Applied Digital Data Sys., Inc., 730 F.2d 1440, 1444, 221 USPQ 385, 388 (Fed. Cir.); cert. Dismissed, 468 U.S. 1228 (1984); W.L. Gore and Assoc., Inc. v. Garlock, Inc., 721 F.2d 1540, 1554, 220 USPQ 303, 313 (Fed. Cir. 1983), cert. Denied, 469 U.S. 851 (1984).

Applicants submit that Doner's relevant documents do not teach the claimed "products available for purchase." In other words, nothing in Doner suggests that retrieved relevant documents are for purchase. The same argument applies as well to claim 11, and the associated dependent claims.

Further with respect to claim 4, Applicant submits that Doner does not teach the claimed keywords for a document based upon words selected for a query by the consumer. Doner appears to teach as an alternative to a "Document Agent Search" a search wherein the user types in keywords. In other words, instead of a reference document, there is a set of keywords. It doesn't appear that the keywords are at all associated with a reference document.

Accordingly, Applicants submit that Doner does not anticipate the claimed invention and respectfully requests that the rejection be withdrawn.

**Claim Rejection - 35 U.S.C. 103; Doner**

Claim 2 has been rejected under 35 U.S.C. 103(a) as being unpatentable over Doner. Applicants respectfully traverse this rejection.

At least for the reason above for claim 1, Applicants submit that Doner does not anticipate claim 2 as well. Still further, as Doner does not teach "products available for purchase," it does not teach products that are manually preselected. Thus, for this reason, Applicants submit that Doner does not teach the additional claim limitation of claim 2, and respectfully request that the rejection of claim 2 be withdrawn.

**Claim Rejection - 35 U.S.C. 103; Doner and Conklin**

Claims 5, 7, 12, and 13 have been rejected under 35 U.S.C. 103(a) as being unpatentable over Doner in view of Conklin et al. (U.S. Patent 6,338,050).

The Office Action admits that Doner does not teach inserting metatags in the documents. Instead, the Office Action alleges that Conklin's discussion of META keywords teaches inserting metatags into documents in order to give higher priority to keywords in the documents. Applicants disagree.

META keywords are a term of art for a list of words stored in a META tag section of an HTML document. The META keywords mentioned in Conklin are such META Tags and Meta Keywords. Conklin discloses

as an example, an Internet search engine that gives priority to keywords in the META Tags (column 29, lines 12-14).

The Documents in Doner are not disclosed as HTML documents. Nor can it be presumed that Doner would be limited to such document structure. Also, Doner does not rely on an Internet search engine, but discloses a database search and retrieval system. Thus, Applicants submit that one of ordinary skill would not have been motivated to modify the database search and retrieval system of Doner with the Internet search engine for HTML documents having Meta Keywords of Conklin to give higher priority to certain keywords. Applicants respectfully request that the rejection be withdrawn.

**Claim Rejection - 35 U.S.C. 103; Doner and Kanaegami**

Claims 10 and 17 have been rejected under 35 U.S.C. 103(a) as being unpatentable over Doner in view of Kanaegami et al. (U.S. Patent ). Applicants respectfully traverse this rejection.

At least for the reasons above for claim 1, Applicants submit that the rejection fails to establish *prima facie* obviousness. Accordingly, Applicants respectfully request that the rejection be withdrawn.

**Claim Rejection - 35 U.S.C. 103; Doner and Arnold**

Claim 14 has been rejected under 35 U.S.C. 103(a) as being unpatentable over Doner in view of Arnold et al. (U.S. Patent ). Applicants respectfully traverse this rejection.

Arnold is directed to a Internet system while Doner is directed to a database search and retrieval system. Applicants submit that one of ordinary skill would not have been motivated to modify the database search and retrieval system of Doner into an Internet system of Arnold. In particular, the Office Action alleges that Arnold's Web pages including links to a sale site for products could constitute Doner's documents. In other words, the Office Action alleges that one of ordinary skill would have known to use a Web page in place of Doner's reference document, and to include links to products in place of Doner's documents. Applicant submits that such a modification does not come from the teachings in Arnold or Doner, but only from Applicants own disclosure. Such motivation constitutes impermissible hindsight. Accordingly, Applicants submit that the rejection fails to establish prima facie obviousness and respectfully requests that the rejection be withdrawn.

#### New Claims

The present invention adds features to the system disclosed in the Brilliant Query System (U.S. Patent 6,546,386) which is the parent application. New claims have been added to reflect the further improvement over the patented system. Applicants submit that the improved system distinguishes over the prior art references relied on in the Office Action, at least because the patent distinguishes over Doner. Applicants submit that no new matter has been added.



**CONCLUSION**

In view of the above amendments and remarks, reconsideration of the various rejections and allowance of claims 1-23 is respectfully requested.

Should the Examiner have any questions concerning this application, the Examiner is invited to contact Robert W. Downs (Reg. No. 48,222) at (703) 205-8000 in the Washington, D.C. area.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. §§1.16 or 1.17; particularly, extension of time fees.

Respectfully submitted,

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Attachment(s): New drawing of Fig. 6